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5 CALIFORNIA PACIFIC LABS, INC.

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8 UNITED STATES DISTRICT COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA
10 SAN JOSE DIVISION
11

12 CALIFORNIA PACIFIC LABS, INC.,
a California corporation

13 Plaintiff,

14 vs.

15 NALGE NUNC INTERNATIONAL
16 CORPORATION, a Delaware
Corporation; and APOGENT
17 TECHNOLOGIES, Inc.

18 Defendants
19

Case No.: C 02-01418 JF

**PLAINTIFF'S NOTICE OF MOTION
AND EX PARTE MOTION TO SHORTEN
TIME
(N.D.L.R. 6-3)**

Date:

Time:

Place:

Before: Hon. Jeremy Fogel

20 Plaintiff California Pacific Labs, Inc. hereby requests an
21 Order shortening time in which to hear Plaintiff's Motions for
22 Continuance and Sanctions. This request is based upon the
23 declarations of Ron Najafi, Ph.D. and I Braun Degenshein filed
24 herewith.

25 An Order shortening time is necessary because (1) the
26 hearing on Plaintiff's Motion for Preliminary Injunction and
27 Defendants' Motion to Strike is set for September 16, 2002; (2)
28 Plaintiff's new counsel has substituted in without adequate time

1 to evaluate the Motion at hand; (3) despite diligent efforts,
2 Plaintiff and its new counsel have been unable to obtain the
3 records and other things in Plaintiff's previous counsel's
4 possession, making it further impossible for Plaintiff's new
5 counsel to evaluate the Motion for Preliminary Injunction and/or
6 the merits of Defendants' Motion to Strike; and (4) Defendants'
7 counsel refused to enter into a stipulation that would
8 accommodate Plaintiff's new counsel's disadvantages.

9 Therefore, Plaintiff respectfully requests that the Court
10 grant Plaintiff's request to shorten time and set Plaintiff's
11 Motions to Continue and for Sanctions for September 16, 2002
12 when Plaintiff's Motion for Preliminary Injunction and
13 Defendants' Motion to Strike are set.

14 **Dated:** September 9, 2002

15 Respectfully Submitted,

16 **I Braun Degenshein**
17 **Attorney at Law**

18 s/ I Braun Degenshein

19 By: I Braun Degenshein
20 Attorney for Plaintiff